

REMARKS

Summary of the Office Action

In the Office Action, claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,034,382 to *Hazel*.

Summary of the Response to the Office Action

Applicants amend independent claim 1, and respectfully submit that the features of newly amended independent claim 1 are not taught or suggested by the applied references of record. Accordingly, claims 1-3 are presently pending.

All Claims Comply With 35 U.S.C. § 102(b)

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Hazel*. Applicants respectfully traverse the rejection for at least the following reasons.

Applicants respectfully submit that the Office Action has not established that *Hazel* anticipates each and every feature of Applicants' claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Newly amended independent claim 1 recites, in part, "a clincher cam rotatable about a shaft including a cam surface directly engageable with the movable clincher so as to rotate the movable clincher, the clincher cam being driven through a drive link directly operated by a drive mechanism for driving a staple."

The Office Action equates *Hazel* with the claimed invention. But *Hazel* does not show at least "a clincher cam rotatable about a shaft including a cam surface directly engageable with the movable clincher so as to rotate the movable clincher, the clincher cam being driven through a drive link directly operated by a drive mechanism for driving a staple," as recited in claim 1.

The Office Action asserts in *Hazel*, that a cam surface of a member 43 (clinchier cam) is engageable with members 25 and 29 (movable clinchers) via parts and links 33 and 35. However, Figs. 3-4 of the present invention show the cam surface 16a of the clincher cam 16 is “directly” engageable with the movable clincher 11. *Hazel* cannot satisfy the features recited in newly amended independent claim 1.

The movable clincher 11 of the present invention can be held at respective operation position by the cam surface 16a, whereby the operation stroke amount and stroke range of the movable clincher 11 can be maintained constant regardless of the variations in the oscillation stroke amount of the drive link 18. Nevertheless, *Hazel* cannot satisfy “a clincher cam rotatable about a shaft including a cam surface directly engageable with the movable clincher so as to rotate the movable clincher,” as recited in newly amended independent claim 1.

Additionally, *Hazel* does not disclose at least “the clincher cam being driven through a drive link directly operated by a drive mechanism for driving a staple.” *Hazel* does not show any drive link operated by a drive mechanism for driving a staple. In fact, while the Office Action asserts that *Hazel* is capable of stapling sheets together, it cannot. The specification in *Hazel* discloses that the leads (11, 13) of an electronic component (15) are *inserted* in a hole formed in a printed circuit board 17 and positioned between trimmer elements 23 and 25. See col. 3, lines 34-38 of *Hazel*. First, the alleged staple (an electronic component 15) is inserted and not driven in *Hazel*, as driving an electronic component like a staple would damage it. Second, if the alleged drive link (shaft 45) is directly operated by a drive mechanism for driving a staple, it is a mystery how the alleged drive link (shaft 45) drives the alleged staple (an electronic component

15) in Fig. 1 of *Hazel*. There is no communication between the alleged drive link (45) and the alleged staple (15).

Further, contrary to the Office Action's assertion that "this device [*i.e.*, *Hazel*] is certainly capable of stapling binding sheets," it certainly is not. As demonstrated above, there is no evidence of the alleged drive link (shaft 45) driving/penetrating/ guiding through/ the alleged staple (15) in Fig. 1 of *Hazel*. There is no communication between the alleged drive link (45), which is merely a rotating shaft, and the alleged staple (15), which is actually an electronic component, that would allow for such an action. Accordingly, *Hazel* fails to teach or suggest each and every feature of claim 1. Thus, the rejection of newly amended independent claim 1 should be withdrawn.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Hazel* does not teach or suggest each feature of newly amended independent claim 1.

Additionally, Applicants respectfully submit that dependent claims 2-3 are also allowable insofar as they recite the patentable combinations of features recited in newly amended independent claim 1, as well as reciting additional features that further distinguish over the applied prior art.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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